

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

<p>U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR RMTP TRUST, SERIES 2021 COTTAGE-TT-V Plaintiff, v. MICHAEL D. KUBACKI PAMELA S. KUBACKI Defendant(s)</p>	<p>Civil Action No. 1:23-cv-00010-MSM-LDA July 20, 2023</p>
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**MOTION TO SET ASIDE DEFAULT JUDGMENT**

The Plaintiff, U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V ("Plaintiff"), hereby moves, pursuant to Rules 55(c) and/or 60(b)(6), Fed. R. Civ. P., for an Order of this Court setting aside and vacating the Default Judgment entered against the Defendants, Michael D. Kubacki and Pamela S. Kubacki (collectively, the "Defendants") entered May, 2023 at Docket Entry 14.

In support of said motion, the undersigned represents to the Court that the Plaintiff and the Defendants have reached an agreement whereby the loan at issue has been reinstated. There will, accordingly, be no sale of the property.

The Court's Order vacating the judgment will be recorded in the Land Evidence Records for the Town of Johnston in the State of Rhode Island in order that the recorded Default Judgment and Order of Sale shall not be a cloud on title.

Once the Judgment is vacated, the undersigned will promptly file a notice of dismissal, pursuant to Rule 41(a)(1)(i), Fed. R. Civ. P.

Dated: July 20, 2023

Respectfully submitted,  
U.S. Bank National Association, not in its  
individual capacity but solely as trustee for  
RMTP Trust, Series 2021 Cottage-TT-V  
By its Attorney,

/s/ David A. Shaw  
David A. Shaw, Esq. (RI Bar No. 3497)  
Demerle Hoeger LLP  
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Boston, MA 02129  
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#### **CERTIFICATE OF SERVICE**

I, David A. Shaw, Esq., hereby certify that on July 20, 2023, I caused the Application for Clerk's Entry of Default and Affidavit as to Military Service and Competency to be filed through the electronic filing system on all parties registered therein to receive notice in this case.

*The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.*

I caused these documents to be mailed to the defendants via U.S. Mail as follows:

Michael D. Kubacki  
2 Leading Street  
Johnston, RI 02919

Pamela S. Kubacki  
2 Leading Street  
Johnston, RI 02919

/s/ David A. Shaw, Esq.  
David A. Shaw, Esq. RI Bar #3497